

Legal Issues of Digitalisation in Europe - Print

Introduction

Dear participant,

We would greatly appreciate you taking the time to fill in the following questionnaire.

Your views will help us assess the legal questions which arise from the growing digitalisation in European businesses and will help to actively shape the European regulatory framework.

This survey may take about **15 minutes** of your time. Participation is completely anonymous as we do not collect any personal data.

Thank you!

Instructions for filling out the survey:

With this survey we reach out to companies in several European countries. Irrespective of your nationality and your company's headquarter location, **please answer the questions against the background of the country you are located in.**

By **digitalisation** we understand a new degree of an almost complete digital reproduction of the real world, that offers almost unlimited interaction and networking possibilities between each involved actor or element. Data availability on a level never seen before, new ways of networking and automation and new digital ways of customer access form the economic core topics of digitalisation.

Please indicate your opinion on the relevance of certain aspects on a scale of 1 to 5, which refers to "not at all", "slightly", "moderately", "very" and "extremely".

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Demographics

1. What is your role in your company?

- Board member/Executive
- Vice President/Director
- Associate/Manager/Staff

2. What industry is your company primarily associated with?

- | | |
|--|--|
| <input type="radio"/> Chemicals and pharmaceutical products | <input type="radio"/> Transportation and logistics |
| <input type="radio"/> Basic metals and fabricated metal products | <input type="radio"/> Tourism |
| <input type="radio"/> Computer, electronic and optical products and electrical equipment | <input type="radio"/> Food and beverages |
| <input type="radio"/> Machinery and equipment | <input type="radio"/> Media and Entertainment |
| <input type="radio"/> Energy and Utilities | <input type="radio"/> Telecommunications and IT services |
| <input type="radio"/> Vehicles | <input type="radio"/> Financial services |
| <input type="radio"/> Other manufacturing | <input type="radio"/> Insurance |
| <input type="radio"/> Construction and real estate | <input type="radio"/> Professional, scientific, and technical services |
| <input type="radio"/> Wholesale and retail | <input type="radio"/> Public sector |
| <input type="radio"/> Other (please specify) | |

3. How much revenue did your company generate in the past fiscal year?

- <50 million Euro
- 50 – <200 million Euro
- 200 – <500 million Euro
- 500 million – <1 billion Euro
- 1 – <5 billion Euro
- 5 – <20 billion Euro
- >20 billion Euro
- Don't know

4. Which country are you located in?

- | | | |
|--------------------------------------|-----------------------------------|---------------------------------------|
| <input type="radio"/> Austria | <input type="radio"/> Germany | <input type="radio"/> Poland |
| <input type="radio"/> Belgium | <input type="radio"/> Greece | <input type="radio"/> Portugal |
| <input type="radio"/> Bulgaria | <input type="radio"/> Hungary | <input type="radio"/> Romania |
| <input type="radio"/> Croatia | <input type="radio"/> Ireland | <input type="radio"/> Slovak Republic |
| <input type="radio"/> Cyprus | <input type="radio"/> Italy | <input type="radio"/> Slovenia |
| <input type="radio"/> Czech Republic | <input type="radio"/> Latvia | <input type="radio"/> Spain |
| <input type="radio"/> Denmark | <input type="radio"/> Lithuania | <input type="radio"/> Sweden |
| <input type="radio"/> Estonia | <input type="radio"/> Luxembourg | <input type="radio"/> United Kingdom |
| <input type="radio"/> Finland | <input type="radio"/> Malta | |
| <input type="radio"/> France | <input type="radio"/> Netherlands | |

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Adoption of Digitalisation

1. How do you rate the impact of digitalisation on your company/business model?

	No impact at all	Slight impact	Moderate impact	High impact	Extreme impact
Now	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In 5 years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. Which strategies did your company implement to cope with the challenges of digitalisation? (Multiple answers possible)

- | | |
|---|---|
| <input type="checkbox"/> Acquisitions to gain digital capabilities | <input type="checkbox"/> Reorganisation of value-added chain (horizontal integration, vertical integration) |
| <input type="checkbox"/> Internal development of digital capabilities | <input type="checkbox"/> Expansion of the company/business portfolio |
| <input type="checkbox"/> Digitalisation of processes | <input type="checkbox"/> Appointment of Chief Digital Officer |
| <input type="checkbox"/> Implementation of digital technologies | <input type="checkbox"/> Establishment of center of excellence |
| <input type="checkbox"/> Other (please specify) | |

3. Is your legal department involved in the strategic planning of digitalisation?

Not at all	Slightly	Moderately	Very	Extremely
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Which technologies/business models have the most impact on your company?

	Not at all	Slightly	Moderately	Very	Extremely
Blockchain	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Big data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cloud computing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Artificial intelligence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internet of Things (IoT)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

5. How important are the following (legal) issues to your company/business model now and in 5 years?

	Not at all	Slightly	Moderately	Very	Extremely
Data ownership now	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Data ownership in 5 years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to data now	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to data in 5 years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liability now	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liability in 5 years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cloud now	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cloud in 5 years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Data ownership

1. Is data ownership an issue to your company in order to realise your business model?

Not at all

Slightly

Moderately

Very

Extremely

2. How do you currently make use of big data? (Multiple answers possible) Data analytics (use existing data for strategic business decisions) Use data for predictive maintenance Use data for the improvement of products and services Use data to improve marketing and sales In no respect Other (please specify)**3. When offering data business services, who is your company's target group? (Multiple answers possible)** Business to business (B2B) Business to consumer (B2C) N/A

4. How do you generate and aggregate the data? (Multiple answers possible)

- Own platforms
- Combined platforms
- Consortiums
- Other (please specify)

5. In order to realise your digital business model: does the European regulatory framework cover all aspects of data ownership?

Not at all	Slightly	Moderately	Very	Extremely
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Would you welcome a “right of production” (data “ownership” of the person/company generating the data), as the EU is considering for non-personal data, in order to realise your digital business model?

- Yes
- No
- Needs further assessment
- Other (please specify)

7. In order to implement your digital strategy, which regulatory measures, if any, would you prefer in order to coordinate data ownership?

	Strongly disagree	Disagree slightly	Neutral	Agree slightly	Strongly agree
EU-legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contractual solutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standardised model contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Technical norms and standards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Self-commitment by industry	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Further development of the law by judicial decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

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Access to data

1. Is data access an issue to your company in order to realize your business model?

Not at all	Slightly	Moderately	Very	Extremely
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. Which big data business models are you offering or building? (Multiple answers possible)

- | | |
|--|--|
| <input type="checkbox"/> Data brokerage (gather and sell primary data or provide access to it) | <input type="checkbox"/> Data analytics as a service (provide analysis and insight) |
| <input type="checkbox"/> Data supply (supply large amounts of processed data) | <input type="checkbox"/> Tools provider (supply infrastructure, hardware and software) |
| <input type="checkbox"/> Information as a service (provide contextual relevance) | <input type="checkbox"/> Data facilitators (supply consultancy, outsourced analysis) |
| <input type="checkbox"/> Data aggregation | <input type="checkbox"/> None |
| <input type="checkbox"/> Data enrichment | |
| <input type="checkbox"/> Other (please specify) | |

3. On which basis does your company claim contractual data access?

- Regulation in national law
- Cartel law
- Unfair competition law
- Other (please specify)

4. Which legal obstacles do you see regarding access to data to realise your company's business model?

5. In order to implement your digital strategy, which regulatory measures, if any, would you prefer in order to coordinate data access?

	Strongly disagree	Disagree slightly	Neutral	Agree slightly	Strongly agree
EU-legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contractual solutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standardised model contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Technical norms and standards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Self-commitment by industry	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Further development of the law by judicial decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

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Liability

1. Does your company assume liability for one or more of the following aspects? (Multiple answers possible)

- Liability for software defects
- (Product) liability for smart products
- Liability for autonomous processes, e.g. autonomous driving
- Robotics
- Artificial intelligence
- None
- Other (please specify)

2. On which basis is liability for your digital business models regulated? (Multiple answers possible)

- Product liability
- Tort liability
- Contractual liability
- Special areas (digitalisation/misconduct), please specify below.

Special areas or other (please specify)

3. Is liability for your digital business models currently sufficiently/adequately regulated?

Not at all

Slightly

Moderately

Very

Extremely

If "not at all", "slightly" or "moderately" please specify

4. In order to implement your digital strategy, which regulatory measures, if any, would you prefer in order to coordinate liability?

Strongly disagree

Disagree slightly

Neutral

Agree slightly

Strongly agree

Introduction of E-person liability
(E-person as new legal
personality in addition to
individuals and legal entities)

EU-legislation

National legislation

Contractual solutions

Standardised model contracts

Technical norms and standards

Self-commitment by industry

Further development of the law
by judicial decisions

Other (please specify)

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Cloud

1. What is the proportion of cloud services in comparison to on-premise software in your company at the moment? (i.a. accounting, payroll, IT,...)

0 % 100

2. How important do you assess the ability to choose the country in which data is stored or processed?

Not at all Slightly Moderately Very Extremely

3. Where do you prefer your cloud provider to be located?

- National
- EU
- Global (US)
- Don't care

4. In order to implement your digital strategy, which regulatory measures, if any, would you prefer in order to coordinate cloud-services?

	Strongly disagree	Disagree slightly	Neutral	Agree slightly	Strongly agree
EU-legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International agreements/privacy shield frameworks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Business guidelines released by EU-authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Business guidelines released by national authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contractual solutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standardised model contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Technical norms and standards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Self-commitment by industry	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Further development of the law by judicial decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

Almost done...

5. Is there any other relevant legal issue that is not covered by this survey that you would like to raise?

6. If you would like to receive a free copy of the results to this survey, please leave your contact information below:

Name

Company

Email Address